

## Message Text

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ACTION DLOS-03

INFO OCT-01 SS-14 ISO-00 PM-03 L-02 IO-03 EA-13 EUR-10

ARA-10 COA-01 EB-03 SCI-03 PRS-01 CIAE-00 INR-10

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NSC-07 NSCE-00 DRC-01 /089 W

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R 210930Z JUN 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 2803

INFO AMEMBASSY CARACAS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L TOKYO 8211

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, UN

SUBJ: LOS: JAPANESE POSITION ON STRAITS AND FISHERIES

SUMMARY: GOJ HAS APPROVED NEGOTIATING INSTRUCTIONS FOR DELEGATION TO LOS CONFERENCE WHICH ARE GENERALLY IDENTICAL TO OR CONSONANT WITH US VIEWS, WITH TWO MAJOR EXCEPTIONS: STRAITS AND FISHERIES. ON STRAITS, FONOFF IS SUPPORTING FREE PASSAGE BUT JDA WISHES TO IMPOSE LIMITATIONS OUT OF NARROW SECURITY CONCERNS FOR STRAITS IN JAPANESE ARCHIPELAGO. ON FISHERIES, GOJ STRONGLY DESIRES NO MENTION OF ANADROMOUS FISHERIES REGIME IN INTERNATIONAL CONVENTION, PREFERRING THAT REGIONAL COMMISSIONS RETAIN RESPONSIBILITY OVER SUBJECT. FONOFF OFFICIAL BELIEVES FISHERIES ISSUE COULD CREATE SERIOUS PROBLEM IN US-JAPAN RELATIONS. END SUMMARY.

1. ON JUNE 18 JAPANESE CABINET FORMALLY APPROVED NEGOTIATING INSTRUCTIONS FOR GOJ DELEGATION TO LOS CONFERENCE IN

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ING INSTRUCTIONS FOR GOJ DELEGATION TO LOS CONFERENCE IN

CARACAS. EMBOFF SUBSEQUENTLY CALLED ON FONOFF TREATIES DIV. HEAD OWADA (WHO WILL BE MEMBER OF GOJ DELEGATION THOUGH NOT FROM OUTSET OF CONFERENCE) FOR CONFIRMATION AND COMMENT ON CABINET ACTION. OWADA SAID WITH TWO SIGNIFICANT EXCEPTIONS NOTED BELOW, APPROVED POSITIONS ON ALL MAJOR QUESTIONS WERE IDENTICAL TO OR BASICALLY CONSONANT WITH USG POSITIONS, AS USG ALREADY KNEW FROM PREVIOUS CONSULTATIONS. INSTRUCTIONS APPROVED BY CABINET WERE IN FACT TOO BROAD AND GENERAL, BUT HAD TO BE SO AT THIS TIME BECAUSE DIFFERENCES STILL EXIST WITHIN GOJ THAT HAVE YET TO BE RESOLVED AT BUREAUCRATIC LEVEL. TO ILLUSTRATE POINT, HE CITED FONMIN OHIRA'S PRESS CONFERENCE HELD AFTER CABINET MEETING, IN WHICH OHIRA OFFERED FOLLOWING SUMMARY OF GOJ POSITION: QTE BASING ITSELF ON POSITION OF BEING MAJOR MARITIME COUNTRY, TAKING INTO CONSIDERATION SECURITY ASPECT, AND ALSO INTERESTS OF DEVELOPING COUNTRIES, JAPAN WILL TRY TO ESTABLISH STABLE AND FAIR RULES FOR LAW OF THE SEA. UNQTE THAT SUMMARY, AS OWADA POINTED OUT, BOWS TO EACH CONTENDING MINISTRY: TRANSPORT, DEFENSE AGENCY, MITI ANND FOREIGN AFFAIRS.

2. WITH THAT BACKGROUND, OWADA ZEROED IN ON TWO FUNDAMENTAL ISSUES --STRAITS AND FISHERIES-- WHICH IN HIS VIEW HAVE POTENTIAL FOR SERIOUS DIFFICULTIES BETWEEN JAPAN AND US.

3. STRAITS -- OWADA POINTED OUT THAT JDA HAS TAKEN NARROW VIEW OF JAPAN'S SECURITY INTERESTS, CENTERING ON STRAITS IN JAPANESE ARCHIPELAGO, WHEREAS FONOFF HAS ADOPTED GLOBAL OUTLOOK. RESULT IS THAT JDA HAS WISHED TO PLACE LIMITS ON FREE PASSAGE, WHEREAS FONOFF HAS NOT. DETAILED REPORT ON STATUS OF THIS ISSUE PROVIDED SEPTTEL.

4. FISHERIES -- ACCORDING TO OWADA, APPROVED INSTRUCTIONS DO NOT PERMIT JAPANESE DELEGATION TO ACCEPT 200 MILE EXCLUSIVE ECONOMIC ZONE. BUREAUCRATIC PROBLEM WAS THAT NO MINISTRY WISHED TO ACCEPT ONUS OF AGREEING TO SUCH REGIME AND THEREBY ACCEPT POLITICAL FLAK AND INCUR RESPONSIBILITY WITHIN GOJ FOR COMPENSATION TO DEPRIVED INTERESTS. HEAR OF PROBLEM IN ANADROMOUS SPECIES. OWADA SAID US POSITION SEEMS TO BE THAT COASTAL STATE EXERCIZES CONTROL THROUGHOUT LIFE CYCLE AND MIGRATION, AND THAT THIS POSITION IS NOT ACCEPT-CONFIDENTIAL

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ABLE POLITICALLY TO GOJL. MOREOVER, GOJ BELIEVES IT WILL BE QTE DIFFICULT UNQTE TO HAVE ARTICLE ON THIS SUBJECT IN INTERNATIONAL CONVENTION ON LOS. IN RESPONSE TO QUESTION, OWADA SAID GOJ WOULD MUCH PREFER THAT THERE BE NO RPT NOT MENTION OF ANADROMOUS SPECIES REGIME IN INTERNATIONAL CONVENTION SINCE PROBLEM SHOULD BE LEFT TO REGIONAL FISHERIES COMMISSIONS. AS FALL BAKC, GOJ COULD ACCEPT REFERENCE IN CONVENTION TO ANADROMOUS SPECIES BEING RESPONSIBILITY OF

REGIONAL COMMISSIONS. OWADA ACKNOWLEDGED THAT THIS IS HOT POLITICAL ISSUE IN US AS WELL, AND THAT US FISHING INTERESTS WOULD NOT BE ENTHUSIASTIC ABOUT REFERRING PROBLEMS INVOLVING ANADROMOUS SPECIES TO REGIONAL COMMISSIONS, SINCE LATTER HAVE NOT GIVEN SATISFACTION TO US FISHERIES INTERESTS IN PAST. HOWEVER, OWADA OBSERVED WITH GRAVITY THAT THIS ISSUE HAS MANY OF EMOTIONAL AND POLITICAL ASPECTS WHICH CAUSED SUCH TROUBLE BETWEEN US AND JAPAN OVER COTTON TEXTILES.

5. COMMENT: AS DEPARTMENT AND IN PARTICULAR OUR LOS EXPERTS KNOW, OWADA IS COMPETENT AND THOUGHTFUL OFFICER, NOT GIVEN TO HYPERBOLE. WE THEREFORE TAKK SERIOUSLY HIS EXPRESSION OF GRAVE CONCERN OVER THE ANADROMOUS FISHERIES ISSUE, AND RECOMMEND THAT DEPARTMENT REVIEW OUR INTERESTS ON THIS ISSUE IN CONTEXT OF OUR OVERALL RELATIONS WITH JAPAN.  
SHOESMITH

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